IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 974 (MS) OF 2004

Rakesh Lal Shah and another. …….Petitioners.

Versus

Civil Judge (Sri. Div.), Nainital and others. …..Respondents.

HON'BLE RAJESH TANDON J.

Heard Sri P.C. Bisht, counsel for the petitioner and Standing Counsel for the respondent.

By the present Writ Petition, the petitioner has prayed for a writ of mandamus directing the respondent no. 1 to try and decide the Civil Suit No. 23 of 2000 (Rakesh Lal Sah Vs. Smt. Geeta Sah and other) expeditiously.

Briefly stated, the plaintiff has filed a Suit claiming for decree permanent prohibitory injunction restraining the defendants 1 to 5 and their servants, agents and assigns from causing any obstruction on the common path from Mall Road I.e. from point M to A or along A-B-C-D line as shown in the plaint map.

The Suit is pending since 2000.

In view of the aforesaid fact, the respondent no. 1 is directed to decide the Suit within a period of six months if possible.

Subject to the aforesaid observations, the Writ Petition is dismissed. No order as to costs.

(RAJESH TANDON J.)

06.10.2004

PS. Rathour